



WILLIAM T FUJIOKA  
Chief Executive Officer

County of Los Angeles  
**CHIEF EXECUTIVE OFFICE**

Kenneth Hahn Hall of Administration  
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*"To Enrich Lives Through Effective And Caring Service"*

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November 19, 2013

**ADOPTED**

BOARD OF SUPERVISORS  
COUNTY OF LOS ANGELES

The Honorable Board of Supervisors  
County of Los Angeles  
383 Kenneth Hahn Hall of Administration  
500 West Temple Street  
Los Angeles, California 90012

12 November 19, 2013

*Sachi A. Hamai*  
SACHI A. HAMAI  
EXECUTIVE OFFICER

Dear Supervisors:

**APPROVE THE INTRODUCTION OF AN ORDINANCE TO AMEND THE GAS PIPELINE  
FRANCHISE GRANTED TO SOUTHERN CALIFORNIA GAS COMPANY BY ORDINANCE NO.  
6765, AS AMENDED, AND APPROVE AN AMENDMENT TO AN AGREEMENT FOR THE  
PREVENTION AND ABATEMENT OF GRAFFITI  
(ALL AFFECTED)  
(3 VOTES)**

**SUBJECT**

Approval of these recommendations will amend the existing gas pipeline franchise granted to Southern California Gas Company and amend the existing supplemental agreement with Southern California Gas Company for the prevention and abatement of graffiti.

**IT IS RECOMMENDED THAT THE BOARD:**

1. Approve the introduction of an ordinance to amend the gas pipeline franchise granted to Southern California Gas Company by Ordinance No. 6765, as amended, to extend the term of the franchise through December 31, 2014.
2. Introduce, waive reading, and place on the Board's agenda for adoption on November 26, 2013, the accompanying ordinance that implements the above recommendation becoming operative January 1, 2014.
3. Approve and instruct the Chairman of the Board to execute the accompanying "Amendment No. 2 to the Graffiti Abatement and Coordination Agreement," to extend through December 31, 2014, a program for the prevention and removal of graffiti from the above-ground facilities of Southern California Gas Company.

4. Find that this project is categorically exempt under the California Environmental Quality Act pursuant to Class 1 of the Environmental Document Reporting Procedures and Guidelines adopted by the Board on November 17, 1987, and Section 15301 (Existing Facilities) of the State of California Guidelines for implementation of the California Environmental Quality Act.

#### **PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION**

The purpose of the recommended actions is to adopt an ordinance to amend and extend the term of the Southern California Gas Company (SoCalGas) franchise, in order to allow additional time to finalize proposed revisions to the County's franchise codes; to negotiate the terms and conditions of a new longer-term franchise with SoCalGas to include developing an additional cooperative agreement that establishes protocols for coordination with the County during emergencies and natural disasters; and amend and extend an existing agreement with SoCalGas for prevention and abatement of graffiti.

#### **Implementation of Strategic Plan Goals**

The County's Strategic Plan Goal of Operational Effectiveness (Goal 1) directs that we maximize and support timely delivery of efficient public services. The Board's adoption of an ordinance to extend the term of the SoCalGas franchise and approval of an amendment to extend the term of the SoCalGas Graffiti Abatement and Coordination Agreement is consistent with these goals.

#### **FISCAL IMPACT/FINANCING**

SoCalGas has paid the County a one-time granting fee of \$5,000 to process an ordinance to amend and extend the term of the franchise, and will continue to pay an annual franchise fee and a "municipal public lands use surcharge" (surcharge) pursuant to California Public Utilities Code. SoCalGas paid an annual franchise fee of over \$1.39 million and a surcharge of \$489,640 for the 2012 calendar year.

#### **FACTS AND PROVISIONS/LEGAL REQUIREMENTS**

On September 20, 1955, the Board adopted Ordinance No. 6765, granting a 50-year County-wide gas pipeline franchises to SoCalGas that expired October 19, 2005. By adopting Ordinance No. 2011-0064F, the Board extended the term of the SoCalGas franchise through December 31, 2013. Upon the Board's adoption of the accompanying ordinance, the term of the SoCalGas franchise will be extended to December 31, 2014.

Upon the Board's approval of Amendment No. 2, the Graffiti Abatement and Coordination Agreement with SoCalGas will be extended for a term to run conterminously with the term of the amended SoCalGas gas pipeline franchise through December 31, 2014.

The Department of Public Works and Fire Department have reviewed this request and have no objections. County Counsel has reviewed the accompanying ordinance to amend the SoCalGas franchise and Amendment No. 2 to the SoCalGas Graffiti Abatement and Coordination Agreement and approved them as to form.

#### **ENVIRONMENTAL DOCUMENTATION**

This project is categorically exempt under the California Environmental Quality Act (CEQA) pursuant

to Class 1 of the Environmental Document Reporting Procedures and Guidelines adopted by the Board on November 17, 1987, and Section 15301 (Existing Facilities) of the State of California CEQA Guidelines.

**IMPACT ON CURRENT SERVICES (OR PROJECTS)**

The recommended Board actions will not impact or adversely affect any current services or future projects.

**CONCLUSION**

It is requested that the Executive Officer, Board of Supervisors, send conformed copies of the approved Board recommendation, adopted ordinance, and adopted amendment to the Graffiti Abatement and Coordination Agreement Attention: Ms. Sharon O'Rourke, Franchise and Fees Manager, Southern California Gas Company, 8141 Gulana Avenue, SC9585, Playa Del Rey, CA 90293, and the offices of County Counsel, Department of Public Works, Fire Department, and Chief Executive Office, Real Estate Division.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'WTF' followed by a stylized surname and a horizontal line.

WILLIAM T FUJIOKA

Chief Executive Officer

WTF:RLR

CMM:RB:kb

Enclosures

c: Executive Office, Board of Supervisors  
County Counsel  
Fire  
Public Work

**AMENDMENT NO. 2 TO THE GRAFFITI ABATEMENT AND COORDINATION  
AGREEMENT BY AND BETWEEN SOUTHERN CALIFORNIA GAS COMPANY AND  
THE COUNTY OF LOS ANGELES**

This Amendment to the Graffiti Abatement and Coordination Agreement ("Amendment No. 2" or the "Amendment") by and between Southern California Gas Company, a California Corporation ("SCG"), and the County of Los Angeles ("County"), is hereby made and entered into on the day, month and year it is fully executed by the County hereinbelow.

**RECITALS**

WHEREAS, the County is a duly organized subdivision of the State of California;

WHEREAS, the County in pertinent part provides law enforcement services to the unincorporated portions of the County of Los Angeles;

WHEREAS, SCG is a regulated public utility operating under the laws of the State of California;

WHEREAS, over the course of time, the County has attempted to control and remediate the problems associated with graffiti in the public rights-of-way and elsewhere;

WHEREAS, SCG's above-ground gas transmission and distribution facilities installed in the public right-of-way are particularly vulnerable to graffiti;

WHEREAS, SCG and the County entered into a Graffiti Abatement and Coordination Agreement on December 15, 2009;

WHEREAS, the Graffiti Abatement and Coordination Agreement, as amended, was to remain in effect through December 31, 2013;

**NOW THEREFORE**, in consideration of the foregoing recitals, which are hereby deemed a contractual part hereof, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, and the covenants and agreements hereinafter contained, the parties hereto and each of them do agree to amend the Graffiti Abatement and Coordination Agreement as follows:

**SECTION 1.** Section 12.0 of the Graffiti Abatement and Coordination Agreement is hereby amended as follows:

**Section 12.0 Term of Agreement.** This Agreement shall remain in effect through December 31, 2014, or until earlier terminated by the mutual written consent of SCG and the County.

**SECTION 2.** All undefined terms when used herein shall have the same respective meanings as set forth in the Graffiti Abatement and Coordination Agreement unless expressly provided otherwise in this Amendment No. 2.

**SECTION 3.** Each of the signatories for this Amendment No. 2 personally covenant, warrant and guarantee that each of them, jointly and severally, have the power and authority to execute this Amendment No. 2 upon the terms and conditions stated herein and each agrees to indemnify and hold the County harmless from all damages, costs, and expenses that result from a breach of this representation.

**SECTION 4.** In the event of a conflict between the terms and conditions of this Amendment No. 2 and the terms and conditions of the Graffiti Abatement and

Coordination Agreement, the terms and conditions of this Amendment No. 2 shall prevail. All other terms and conditions contained in the Graffiti Abatement and Coordination Agreement shall remain in full force and effect.

[END OF TERMS]

The foregoing was on this 19<sup>th</sup> day of November, 2013, adopted by the Board of Supervisors of the County of Los Angeles and ex-officio the governing body of all other special assessment and taxing districts, agencies, and authorities for which said Board so acts.



**ATTEST:**

SACHI A. HAMAI  
Executive Officer-Clerk  
Of the Board of Supervisors

By [Signature]  
Deputy

**COUNTY OF LOS ANGELES**

By [Signature]  
Mark Ridley-Thomas, Chairman

I hereby certify that pursuant to  
Section 25103 of the Government Code,  
delivery of this document has been made

SACHI A. HAMAI  
Executive Officer  
Clerk of the Board of Supervisors

By [Signature]  
Deputy

**APPROVED AS TO FORM:**

JOHN F. KRATTLI  
County Counsel

By: [Signature]  
Kathy Bramwell  
Principal Deputy County Counsel

**ADOPTED**  
BOARD OF SUPERVISORS

**# 12 NOV 19 2013**

[Signature]  
SACHI A. HAMAI  
EXECUTIVE OFFICER

**IN WITNESS WHEREOF**, Southern California Gas Company has caused this Amendment No. 2 to the Graffiti Abatement and Coordination Agreement to be executed on its behalf, effective on the day, month and year first written above.

**SOUTHERN CALIFORNIA GAS  
COMPANY**, a California corporation

By: [Signature]

Richard M. Morrow

Print Name

Vice President, Engineering & Operations Staff  
Title

Approved as to Legal Form  
By: [Signature]  
Albert J. Garcia  
Date: 10/28/13